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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, INCLUDING: THE QUESTION OF HUMAN RIGHTS IN CYPRUS

Report of the Secretary-General submitted pursuant to Commission on Human Rights decision 1999/103

1. The Commission on Human Rights, in its decision 1999/103 of 23 April 1999, decided, without a vote, to retain on its agenda sub-item (a), entitled "Question of human rights in Cyprus", of the item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world" and to give it due priority at its fifty-sixth session, it being understood that action required by previous resolutions of the Commission on the subject would continue to remain operative, including the request to the Secretary-General to provide a report to the Commission regarding their implementation. The present report is submitted pursuant to that decision and is based on United Nations activities, namely, the Secretary-General's mission of good offices, the United Nations Peacekeeping Force in Cyprus (UNFICYP) and the Committee on Missing Persons in Cyprus.

2. In its most recent resolution on this subject (1987/50), the Commission reiterated its previous calls for the full restoration of all human rights to the population of Cyprus, in particular to the refugees. It considered attempts to settle any part of Varosha by people other than its inhabitants as illegal and called for the immediate cessation of such activities. It also called for the tracing of and accounting for missing persons in Cyprus without any further delay and for the restoration and respect of human rights and fundamental freedoms of all Cypriots, including the freedom of movement, the freedom of settlement and the right to property.

3. Since my last report to the Commission on Human Rights in March 1999 (E/CN.4/1999/25), my personal efforts as well as those of my representatives have continued to be aimed at achieving a comprehensive settlement of the Cyprus problem.

4. In accordance with Security Council resolution 1218 (1998) of 22 December 1998, and as a follow-up to my initiative of 30 September 1998, Ms. Ann Hercus, my then Deputy Special Representative, held numerous meetings with both leaders during the first semester of 1999. The substance of these "shuttle talks", as they came to be known, remained confidential, and both Mr. Clerides and Mr. Denktash engaged in them in a constructive manner. Apart from their confidentiality, the specific agreed methodology of the shuttle talks was that neither side was aware of the views expressed to my Deputy Special Representative by the other side. While that format allowed me to assess to what extent there was convergence of view on the various aspects, it also had its limitations, as a formal agreement can only be achieved in comprehensive negotiations directly involving both leaders.

5. On 22 June 1999, I reported to the Security Council on my mission of good offices (S/1999/707), summarizing my activities and those of my Deputy Special Representative. The Security Council, in its resolution 1250 (1999) of 29 June 1999, reiterated its endorsement of my initiative of 30 September 1998, within the framework of my mission of good offices, with the goal of reducing tensions and promoting progress towards a just and lasting settlement in Cyprus. The Council also called for comprehensive negotiations under my auspices and requested me, in accordance with the relevant United Nations Security Council resolutions, to invite the leaders of the two sides to negotiations in the autumn of 1999.

6. Furthermore, the Security Council called upon the two leaders to give their full support to such a comprehensive negotiation, under my auspices, and to commit themselves to the following principles: no preconditions; all issues on the table; commitment in good faith to continue to negotiate until a settlement was reached; full consideration of relevant United Nations resolutions and treaties.

7. As reported to the Security Council on 27 July 1999, my Special Representative, Ms. Ann Hercus, resigned for family reasons on 30 September 1999. Since then, Mr. James Holger has been my Acting Special Representative and Chief of Mission of UNFICYP resident on the island. On 1 November, I appointed Mr. Alvaro de Soto as my Special Adviser for Cyprus. He will be going to Cyprus as my Special Representative and Chief of Mission of UNFICYP later this year.

8. On 9 and 25 September, I met with Mr. Denktash and Mr. Clerides respectively in New York. On 14 November 1999, both parties agreed to start proximity talks in New York on 3 December 1999 in order to prepare the ground for meaningful negotiations leading to a comprehensive settlement. During the Summit of the Organization for Security and Cooperation in Europe (OSCE) held in Istanbul on 18 and 19 November, I again met with both Mr. Clerides and Mr. Denktash, in preparation for the upcoming talks.

9. The proximity talks were held in New York from 3 to 14 December 1999. The parties engaged in serious discussions on the core issues mentioned in my June report to the Council, in an effort that marked the beginning of what I hope will be a continuous and predictable process. The proximity talks resumed in Geneva on 31 January 2000.

10. Pending a settlement, UNFICYP has continued, under its mandate, to discharge humanitarian functions on behalf of the 429 Greek Cypriots living in the northern part of the island in December 1999. UNFICYP officers have continued to interview, in private, Greek Cypriots who applied for "permanent transfer" to the southern part of the island in order to verify that the transfer was voluntary. UNFICYP has also continued to facilitate temporary visits by Greek Cypriots from the Karpas area to the southern part of the island for family and other reasons, to assist in arranging contacts between Maronites living on the island, 160 of whom reside in the northern part of the island, and to deliver to the north foodstuffs and other supplies provided by the Government of Cyprus. The Force also maintained its periodic visits to Turkish Cypriots living in the southern part of the island and assisted in arranging family reunion visits for Turkish Cypriots. It is in contact with some 310 Turkish Cypriots living in the southern part of Cyprus and has continued to provide emergency medical evacuation of civilian members of both communities residing in the northern part of Cyprus.

11. UNFICYP continued its efforts to encourage contact and cooperation between the two communities and to build trust through promoting bicommunal events and activities. The suspension of bicommunal contacts imposed by the Turkish Cypriot authorities in 1997 remained in effect and continued to limit on-island contacts between the two communities significantly. For example, an event organized by UNFICYP at the Ledra Palace Hotel in the Buffer Zone on 6 March 1999 to mark International Women's Day had to go ahead without the presence of Turkish Cypriots. An international open house, organized by UNFICYP on United Nations Day, was attended by some 5,000 people, of whom more than 3,000 were Turkish Cypriots. It should be noted that the trade unions on both sides have continued to maintain regular contact. On 28 and 29 May 1999 they held a forum which was attended by some 300 Greek Cypriot and Turkish Cypriot trade union representatives. On 12 November, a Turkish and a Greek television station organized and aired a debate attended by Greek Cypriot and Turkish Cypriot politicians, business persons and journalists at the Ledra Palace Hotel.

12. On 20 January and 30 March 1999 UNFICYP arranged for Turkish Cypriots to make a pilgrimage to the Hala Sultan mosque in Larnaca without any restrictions being imposed by the Government. Two groups of Turkish Cypriots numbering 82 and 829 persons visited the memorial site in Kokkina on 26 June and 8 August 1999 respectively. On 12 April, 15 August and 30 November 1999, UNFICYP arranged for groups of Greek Cypriots to visit the Apostolos Andreas Monastery on the Karpas Peninsula. On 18 March, another visit to the monastery was made by 140 cancer patients, followed by a visit by 234 sick children and their caregivers on 30 June 1999.

13. As previously reported (E/CN.4/1997/48), and in line with operative paragraph 8 of Security Council resolution 1178 (1998), UNFICYP continued to monitor closely the living conditions of Greek Cypriots and Maronites living in the northern part of the island and Turkish Cypriots living in the southern part and to assess them in light of the recommendations of UNFICYP's Humanitarian Review set out in paragraphs 13-15 of E/CN.4/1997/48. Since the

humanitarian review conducted by UNFICYP in 1995 a number of incremental improvements have occurred, which have been reported in previous reports. Following initial delays in implementation, Greek Cypriots on the Karpas Peninsula are now allowed to travel in the northern part of the island without first reporting to the local police. First-degree relatives residing in the southern part of the island benefit from more flexible crossing regulations than in the past and may stay with their relatives in the northern part of the island beyond the previously imposed time limit. According to the Turkish Cypriot authorities, the review of legislation that prohibits Greek Cypriots and Maronites residing in the northern part of the island from bequeathing their immovable property to heirs that do not reside there has not yet been completed. For the time being, it is not possible for a Greek Cypriot to inherit land or register a new entitlement to real estate in the northern part of the island.

14. As the Turkish Cypriots living in the southern part of the island had made very little use of the UNFICYP liaison office in Limassol, which was opened in December 1996, the office was closed on 1 March 1999. Since then, UNFICYP has increased its visits to the areas of residence of those Turkish Cypriots. Meetings between family members residing on different sides of the Buffer Zone still occur at the UNFICYP exchange point (at the crossing in Nicosia) at the rate of two or three per week.

15. As in the past, UNFICYP helped to arrange the annual delivery of school books to the Greek Cypriot school in Rizokarpaso. This year the delivery was delayed because the Turkish Cypriot authorities objected to the books on political grounds. Eventually, in November and December 1999, following a review of the contents, two thirds of the 120 books were distributed to the school. Another unresolved problem is the Turkish Cypriot practice of preventing the burial of Greek Cypriots resident in the Karpas Peninsula whenever their bodies have been temporarily brought to the southern part of the island for post-mortem examinations. UNFICYP continued to urge the Turkish Cypriot authorities to allow Greek Cypriots from the Peninsula to be buried there regardless of where or by whom the post-mortem examinations had been conducted.

16. The impasse in the investigative work of the Committee on Missing Persons (CMP) has continued. However, after an interruption of more than three years, the CMP met formally for the first time on 30 November and 2 December 1999. The Security Council, in its resolution 1283 (1999) of 15 December 1999, called upon the parties to assess and address the humanitarian issues of missing persons with due urgency and seriousness. While this report covers developments in Cyprus up to 31 December 1999, I wish to express my deep regret at the sudden death on 17 January 2000 of Ambassador Jean-Pierre Ritter, the third member of the Committee on Missing Persons in Cyprus. I would like to pay tribute to Ambassador Ritter for his personal commitment and dedication in carrying out his mandate.

17. The activities of UNFICYP, including those relating to its humanitarian responsibilities, are described in my most recent reports to the Security Council on the operation in Cyprus, documents S/1999/657 and Add.1 and S/1999/1203 of 8 June 1999 and 29 November 1999 respectively. An account of my mission of good offices in Cyprus is contained in my report to the Security Council (S/1999/707 of 22 June 1999).